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## A BILL FOR AN ORDINANCE

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RELATING TO THE USE OF BAGS PROVIDED TO CUSTOMERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Findings. The purpose of this ordinance is to regulate the use of bags provided to customers.

Ordinance 12-8 implemented a ban on all non-recyclable paper and non-biodegradable plastic bags effective July 1, 2015.

The Council finds that recent studies indicate all types of plastic bags, regardless of the feedstock from which they are derived, may adversely affect the environment. Plastic bags may remain relatively intact for long periods of time, and fragments of plastic in the environment may harm insects, fish and animals if consumed.

The department of environmental services has been unable to identify a clear and reliable industry standard that meets the definition of "biodegradable" plastic bag in Ordinance 12-8.

Numerous jurisdictions, including both Hawaii and Maui Counties, ban the distribution of all plastic bags. The Maui ban has been in effect since January 11, 2011, and the Hawaii ban has been in effect since January 17, 2013.

To allow for a transitional period, a deferred effective date beyond the July 1, 2015 effective date of Ordinance 12-8 is provided.

SECTION 2. Section 9-9.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by deleting the definitions of "biodegradable" and "non-biodegradable," adding a definition of "plastic," and amending the definition of "plastic bag," to read as follows:

["Biodegradable" means a substance that can be broken down in the environment by natural processes.]

["Non-biodegradable" means a substance that cannot be broken down in the environment by natural processes.]

""Plastic" means a material that contains as an essential ingredient one or more organic polymeric substances of large molecular weight, is solid in its finished state, and



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at some stage in its manufacture or processing into finished articles, can be shaped by flow."

""Plastic bag[:]":

- (1) Means a bag that is made from [non-biodegradable] plastic, and is not specifically designed and manufactured for multiple re-use;
- (2) This term does not include:
  - (A) Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
  - (B) Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
  - (C) Bags used to protect or transport prepared foods, beverages, or bakery goods;
  - (D) Bags provided by pharmacists to contain prescription medications;
  - (E) Newspaper bags for home newspaper delivery;
  - (F) Door-hanger bags;
  - (G) Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
  - (H) Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
  - (I) Bags used to contain live animals, such as fish or insects sold in pet stores; or
  - (J) Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level; provided that this exemption shall be limited to one bag per customer."



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SECTION 3. Section 9-9.2, Revised Ordinances of Honolulu 1990, as amended, is amended in its entirety to read as follows:

**"Sec. 9-9.2 Ban on [non-biodegradable] plastic bags and non-recyclable paper bags.**

Businesses shall be prohibited from providing [non-biodegradable] plastic bags and non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries or other merchandise. Nothing in this article shall preclude a business from making reusable [bags, bags made of biodegradable plastic] bags or recyclable paper bags available for sale or without charge to customers at the point of sale for the purpose of transporting such items."

SECTION 4. Ordinance material to be repealed is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring, the brackets or the bracketed material.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 38 (2014)

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SECTION 5. This ordinance takes effect on January 1, 2016.

INTRODUCED BY:

Breene Smith

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DATE OF INTRODUCTION:

APR 29 2014

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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KIRK CALDWELL, Mayor  
City and County of Honolulu